## 1

#### Interp: The affirmative must only garner offense off of the consequences of hypothetical policy implementation of the resolution: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines. To clarify, affs cannot be extra-T.

#### Violation:

#### 1] Garnering offense from form implies their speech act is an advocacy. CX proves and hold the line – at best, they’re Extra-T which still links to our predictability offense.

#### 2] The 2nd card pretty clearly indicts debate and the entirety of the 1AC is about rhetoric NOT consequences. If I read a DA, they’d claim performative offense.

#### 3] The aff affirms rhetorical decolonization within member states – the topic pretty clearly doesn’t say anything about decol

#### Vote neg—

#### 1] Predictable limits – not affirming the resolution makes debate impossible because they get to affirm anything – literally thousands of aff. Their interp incentivizes affirming uncontestable statements like “2+2=4” or “racism bad” and the lack of a stable mechanism means they can always de-link from the few responsive generics.

#### 2] Strategy skew – the aff is incentivized to solve any disad if they can go beyond a topical action

#### 3] TVAs: There’s a bio colonialism aff– affirm ending IP that derives medicines from indigenous knowledge.

#### It's okay if this doesn't solve their offense—the disads to the TVA are neg ground. This teaches debaters to work within imperfect situations for marginal gains, and forces them to refine their arguments round to round which hijacks their survival arguments.

#### T is drop the debater and competing interps—

#### The round has been irreparably skewed—I had to read T in order to engage the aff and that altered allocation on other issues which means you risk making the incorrect decision on substance especially if they don’t read a counter interp for debate

#### It’s an indict of their advocacy—they don’t defend topical action so if I win T their entire advocacy goes away and you have to default neg

#### No RVIs – you don’t win on being topical

## 2

#### **Regulating intellectual property participates in a scarcity logic that re-affirms a broader market ownership over information – that consolidates neoliberal control through a shift to private protections, even if the individual act of the aff is good**

Soderberg 1 [Johan, BA from Falmouth College of the Arts. “Copyleft vs Copyright: A Marxist Critique” https://firstmonday.org/article/view/938/860]

"The contradiction that lies at the heart of the political economy of intellectual property is between the low to non-existent marginal cost of reproduction of knowledge and its treatment as scarce property" [23].

This contradiction [24], May demonstrates, is concealed by information capitalists whose interests are best served if ideas are treated as analogous to scarce, material property [25]. The privatisation of cultural expressions corresponds to the enclosure of public land in the fifteenth to eighteenth century.

As then, the new enclosure is concerned with creating conditions for excludability. Lawrence Lessig lists four methods to direct the behaviour of the individual to comply with property regulation: social norms, markets, architecture (including technology and code), and law. "Constraints work together, though they function differently and the effect of each is distinct. Norms constrain through the stigma that a community imposes; markets constrain through the price that they extract; architectures constrain through the physical burdens they impose; and law constrains through the punishment it threatens" [26].

Several new national laws have been passed in recent years on intellectual property rights. In the U.S. the Digital Millennium Copyright Act was passed in 1998 and has been imitated by legislation in Europe. The European Patent Office circumvented scheduled political decisions to be taken by European governments, and decreed a regulation that authorises patent claims to computer programmes [27]. These national laws were implemented under the direction of what is known as the Uruguay Round agreements [28], established by the World Trade Organisation (WTO). As a part of the bargain came the treaty of Trade Related Intellectual Property (TRIP), and its importance lies in two respects: "as an extension of the rights accorded to the owners of intellectual property and as part of the extension of a property-based market liberalism into new areas of social interaction, previously outside market relations" [29]. Simply by coordinating national regulations on a global level the net of intellectual property is tightened. TRIP was backed by American and European pharmacy companies and entertainment industries, and unsuccessfully opposed by the developing nations and northern civil society.

Despite the rigged debate on intellectual property in the mainstream media [30], the rhetoric of 'piracy' has not transformed social norms to any greater extent. The failure to curb copying is linked with the low costs and low risks for individuals to copy, i.e. the non-existent constriction of the market. However, Bettig remarks "The initial period following the introduction of a new communications medium often involves a temporary loss of control by copyright owners over the use of their property" [31].

Similarly, Lessig warns against the false reliance, common among hackers, that information technology is inherently anarchistic. The industry is determined to re-design hardware and software to command compliance with the intellectual property regime. "Code can, and will, displace law as the primary defence of intellectual property in cyberspace" [32]. It is predominantly this struggle that I now will attend to.

#### The aff’s analytic reduces the nuance of class differences and collapses the racial cap complexities to a settler/indigenous binary which fractures solidarity

Bhandar and Ziadah 16 Brenna BHANDAR, senior lecturer @ SOAS, AND Rafeef ZIADAH, postdoc @ SOAS, 2016 “Acts and Omissions: Framing Settler Colonialism in Palestine Studies,” Jadaliyya, January 14, 2016

The forging of a new academic field of settler colonial studies risks potentially creating unnecessary binaries between studies of colonialism and settler-colonialism. It is clear that techniques of colonial dispossession traveled throughout networks of trade and leisure established during and throughout the British Empire. Such tools include the surveillance and criminalization of colonized populations, land appropriation, resource extraction, the perversion or indeed, attempted erasure, of native legal systems, and control over the mobility and political citizenship of colonized populations. English colonial administrators and freelance entrepreneurs traveled, during the nineteenth century, between the Indian subcontinent, Australia, Canada, New Zealand, the Caribbean, the United States, the African continent, and of course the United Kingdom. They imported and exported the legal and political infrastructures required for colonial modes of expropriation. With the advent of the Mandate system, Palestine became another scene of exchange and implementation of European colonial modes of governance tested elsewhere. While many scholars have revealed the formative influence of European models of nationalism and colonial ideology on early Zionist movements (Raz-Krakotzkin 2007; Lloyd 2012), the detailed work of excavating the way in which the political and legal techniques of dispossession travelled between different colonial sites remains underexplored. (Although see Lowe, 2014 an Saldaña-Portillo 2016 for exemplary exceptions to this claim).

Another binary inherent to the settler colonial analytic is that between the colonizer and colonized. While adopting a settler colonial framework is critical to analyzing Israel’s modus operandi as a colonial power, there is a need to contextualize Israel’s settler colonial project within the particular class and racial differences inside Israel and amongst Palestinians. Ella Shohat’s critical work on the racial hierarchy within Israel’s settler society is a strong example that highlights the historical marginalization of the Mizrahim, Jews of Arab origin. Racialized immigrants occupy both the position of settler in relation to Indigenous communities and the subaltern in relation to the dominant place of the white European settler. Some scholars in North America, and particularly in Hawai’i have grasped how the racialization of particular immigrant communities in settler states complicates the settler colonial framework.

On the other hand, a settler colonial framework must also contend with the emerging class differences in Palestinian society exacerbated by the impact of the Oslo Accords. This is especially relevant when contending with the question of how Palestinians can challenge the logic of the Oslo process while the Palestinian Authority, adhering to a fundamental neoliberal agenda (Hanieh 2013), remains intact. The Palestinian Authority continues to formulate Palestinian liberation in terms of truncated statehood on small sections of Palestinian land and celebrates symbolic acts such as raising the Palestinian flag at the United Nations while prospects of Palestinian sovereignty over land continue to diminish daily. Sadly, the PA’s focus continues to be building a neoliberal state apparatus as a way to “convince” Israel and international donors that Palestinians are able to run their affairs. For all intents and purposes, Israel has succeeded in outsourcing its military occupation to a segment of Palestinians - this is evident in the relatively large budgets of the security forces of the PA and the continued security coordination with Israel. In our view, such differences within both the settler society and the colonized need to be brought out and fully incorporated into the settler colonial analytical framework.

Racially inscribed dispossession and the capitalist modes of accumulation that subtend expropriative practices have developed in spatially and temporally differentiated ways in the colonies, as elaborated by scores of post-colonial theorists. In other words, capitalist development in the colonies has not mirrored the transition from feudal economies to capitalist ones in Europe. The terms “postcolonial capitalism” and “racial capitalism” both denote ways of understanding capitalist forms of dispossession that profit from, and reinforce class hierarchies, patriarchal formations, and racist ideologies lodged in colonial imaginaries that persist into the present. These terms do not neatly fit into a settler-colonial framework and yet are critical to understanding the political-economic, juridical and social complexities across various sites of inquiry. Forcing them into a single analytical category risks losing this richness and undermining forms of political solidarity across colonized spaces.

Darwish’s masterful poem, “The Red Indian’s Penultimate Speech to the White Man” begins with an epigram from the Duwamish Chief Seattle. The dispossession of native land that Columbus’ ill-fated voyage inaugurated, binds together the fates of Native Americans and Palestinians, who resist colonial dominance over land, time, history, memory, and place. As Chief Seattle asserts, “there is no Death here, there is only the change of worlds.” We in turn are looking for our own counter-narration, a language to explain the ongoing violence of dispossession in multiple contexts. We are reminded of the words of Mike Krebs and Dana Olwan:

We want to build solidarity without reproducing and enacting the same colonial logics and asymmetric relationships of power on which settler colonialisms hinge. We believe that our futures are connected and that we are especially powerful when we enact solidarity by words and actions. To expect solidarity, we must be willing to give it, share it, and maintain it. To do otherwise is to risk producing solidarity on the very colonial terms that our movements seek to challenge and undo.

#### Capitalism is quickly reaching its ecological, structural, and psychological limits and causes near-term extinction – laundry list.

Robinson 16 (William, Professor of sociology, global studies and Latin American studies at the University of California at Santa Barbara. His most recent book is Global Capitalism and the Crisis of Humanity. | “Sadistic Capitalism: Six Urgent Matters for Humanity in Global Crisis” in *Truth-out*, April 12, 2016. <http://www.truth-out.org/opinion/item/35596-sadistic-capitalism-six-urgent-matters-for-humanity-in-global-crisis> )//tbrooks

The "luxury shanty town" in South Africa is a fitting metaphor for global capitalism as a whole. Faced with a stagnant global economy, elites have managed to turn war, structural violence and inequality into opportunities for capital, pleasure and entertainment. It is hard not to conclude that unchecked capitalism has become what I term "sadistic capitalism," in which the suffering and deprivation generated by capitalism become a source of aesthetic pleasure, leisure and entertainment for others. I recently had the opportunity to travel through several countries in Latin America, the Middle East, North Africa, East Asia and throughout North America. I was on sabbatical to research what the global crisis looks like on the ground around the world. Everywhere I went, social polarization and political tensions have reached explosive dimensions. Where is the crisis headed, what are the possible outcomes and what does it tell us about global capitalism and resistance? This crisis is not like earlier structural crises of world capitalism, such as in the 1930s or 1970s. This one is fast becoming systemic. The crisis of humanity shares aspects of earlier structural crises of world capitalism, but there are six novel, interrelated dimensions to the current moment that I highlight here, in broad strokes, as the "big picture" context in which countries and peoples around the world are experiencing a descent into chaos and uncertainty. 1) The level of global social polarization and inequality is unprecedented in the face of out-of-control, over-accumulated capital. In January 2016, the development agency Oxfam [published a follow-up](https://www.oxfam.org/en/pressroom/pressreleases/2016-01-18/62-people-own-same-half-world-reveals-oxfam-davos-report) to its report on global inequality that had been released the previous year. According to the new report, now just 62 billionaires -- down from 80 identified by the agency in its January 2015 report -- control as much wealth as one half of the world's population, and the top 1% owns more wealth than the other 99% combined. Beyond the transnational capitalist class and the upper echelons of the global power bloc, the richest 20 percent of humanity owns some 95 percent of the world's wealth, while the bottom 80 percent has to make do with just 5 percent. This 20-80 divide of global society into haves and the have-nots is the new global social apartheid. It is evident not just between rich and poor countries, but within each country, North and South, with the rise of new affluent high-consumption sectors alongside the downward mobility, "precariatization," destabilization and expulsion of majorities. Escalating inequalities fuel capitalism's chronic problem of over-accumulation: The transnational capitalist class cannot find productive outlets to unload the enormous amounts of surplus it has accumulated, leading to stagnation in the world economy. The signs of an impending depression are everywhere. The front page of the February 20 issue of The Economist read, "[The World Economy: Out of Ammo?](http://www.economist.com/news/leaders/21693204-central-bankers-are-running-down-their-arsenal-other-options-exist-stimulate)" Extreme levels of social polarization present a challenge to dominant groups. They strive to purchase the loyalty of that 20 percent, while at the same time dividing the 80 percent, co-opting some into a hegemonic bloc and repressing the rest. Alongside the spread of frightening new systems of social control and repression is heightened dissemination through the culture industries and corporate marketing strategies that depoliticize through consumerist fantasies and the manipulation of desire. As "Trumpism" in the United States so well illustrates, another strategy of co-optation is the manipulation of fear and insecurity among the downwardly mobile so that social anxiety is channeled toward scapegoated communities. This psychosocial mechanism of displacing mass anxieties is not new, but it appears to be increasing around the world in the face of the structural destabilization of capitalist globalization. Scapegoated communities are under siege, such as the Rohingya in Myanmar, the Muslim minority in India, the Kurds in Turkey, southern African immigrants in South Africa, and Syrian and Iraqi refugees and other immigrants in Europe. As with its 20th century predecessor, 21st century fascism hinges on such manipulation of social anxiety at a time of acute capitalist crisis. Extreme inequality requires extreme violence and repression that lend to projects of 21st century fascism. 2) The system is fast reaching the ecological limits to its reproduction. We have reached several tipping points in what environmental scientists refer to as nine crucial "planetary boundaries." [We have already exceeded these boundaries in three areas](http://www.amazon.com/Ecological-Rift-Capitalisms-War-Earth/dp/1583672184/ref=sr_1_1?ie=UTF8&qid=1460153228&sr=8-1&keywords=the+ecological+rift) -- climate change, the nitrogen cycle and diversity loss. There have been five previous mass extinctions in earth's history. While all these were due to natural causes, for the first time ever, human conduct is intersecting with and fundamentally altering the earth system. We have entered what Paul Crutzen, the Dutch environmental scientist and Nobel Prize winner, termed the Anthropocene -- a new age in which humans have transformed up to half of the world's surface. We are altering the composition of the atmosphere and acidifying the oceans at a rate that undermines the conditions for life. The ecological dimensions of global crisis cannot be understated. "We are deciding, without quite meaning to, which evolutionary pathways will remain open and which will forever be closed," observes Elizabeth Kolbert in her best seller, [The Sixth Extinction](http://www.amazon.com/Sixth-Extinction-Unnatural-History/dp/1250062187/ref=sr_1_1?s=books&ie=UTF8&qid=1457393458&sr=1-1&keywords=the+sixth+extinction). "No other creature has ever managed this ... The Sixth Extinction will continue to determine the course of life long after everything people have written and painted and built has been ground into dust." [Capitalism cannot be held solely responsible](http://www.amazon.com/Collapse-Societies-Choose-Succeed-Revised/dp/0143117009/ref=sr_1_1?ie=UTF8&qid=1460153265&sr=8-1&keywords=collapse+book). The human-nature contradiction has deep roots in civilization itself. The ancient Sumerian empires, for example, collapsed after the population over-salinated their crop soil. The Mayan city-state network collapsed about AD 900 due to deforestation. And the former Soviet Union wrecked havoc on the environment. However, given capital's implacable impulse to accumulate profit and its accelerated commodification of nature, it is difficult to imagine that the environmental catastrophe can be resolved within the capitalist system. "Green capitalism" appears as an oxymoron, as sadistic capitalism's attempt to turn the ecological crisis into a profit-making opportunity, along with the conversion of poverty into a tourist attraction. 3) The sheer magnitude of the means of violence is unprecedented

#### The alternative is to engage in anticapitalism, an act of radical resistance grounded in grassroots movements. Anticapitalism does not represent an unattainable utopia but challenges common myths about capitalism as a whole. Also solves for the Aff – anticapitalism is a prereq to rhetorical decolonization

Rogers 14 (Chris Rogers, author, *Capitalism and Its Alternatives: A Critical Introduction*, Zed Books, 2014. ProQuest Ebook Central, <https://ebookcentral-proquest-com.proxy.lib.umich.edu/lib/umichigan/detail.action?docID=1758713>.) AM

*A note on terminology* The book will draw on four core concepts. The first of these is capitalism. The term capitalism is used throughout the book to refer to the prevailing form of social organization. While acknowledging that the ways in which capitalism operates and the implications of these operations are contested, this book defines capital­ ism in terms of one commonly accepted distinguishing feature: that capitalism is a system that organizes the production, distribution and exchange of goods, on the basis of private property, with a view to realizing profit and therefore increasing wealth. The second term is alternative capitalism, which is used to describe a system where the capitalistic relationship between state and market is re-regulated, but not fundamentally reformed, in order to try to produce optimal social and economic outcomes. The aim of an alternative capitalism is to maximize wealth and profit by introducing a different structure of rules to govern capitalism. The third concept is that of an alternative to capitalism. An alternative to capitalism is distinct from capitalism because it places an emphasis on social and civic goals, rather than purely focusing on pecuniary gain. In contrast to capitalism, an alternative to capitalism is founded on collective or community property rights, rather than individual property rights, although the form and extent of collective or community property rights may vary. Where the book is referring to either an alternative capitalism or an alternative to capitalism, it uses the form ‘alternative (to) capitalism’. The final concept the book uses is anti-capitalism. It uses the term anti-capitalism to refer to the act of resisting capitalism, whether this occurs by attempting to influence the state, taking control of the state, or actions taken independently or outside of the state. An individual who pursues or wishes to pursue an alternative to capitalism can therefore be described as an anti-capitalist.

Traditions of Resistance   
In its consideration of capitalism and its alternatives, this book accepts that it is possible to perceive capitalism and its con­ sequences in different ways. Furthermore, it acknowledges that the way in which capitalism and its consequences are perceived will have a fundamental impact on whether people deem capitalism to be desirable, whether they would prefer an alternative capitalism or an alternative to capitalism, and therefore whether they believe that it is important and worthwhile engaging in resistance to capitalism through the social act of anti-capitalism. However, the central argument of this book is that **capitalism displays intrinsic tendencies towards crisis that make an alternative to capitalism desirable, and so justifies anti-capitalist action**. In doing so, it argues that capitalism is a product of social interaction between people, and that it is remade or resisted through our social action. This ­emphasis on social constitution challenges common assertions about the inevitability of capitalist logic, and in the process shows that the prospect of realizing an alternative to capitalism is more than wishful thinking. In its discussions of alternatives to capitalism, however, this book guards against thinking of alternative forms of social organization as outcomes or utopias. Rather, it shows how various forms of alternative social and economic organization have shown a tendency to degenerate over time, or to reproduce injustices of capitalist social relations. It therefore suggests that **alternatives to capitalism should be thought of as processes that need to be continually made and remade if they are not to degenerate or reproduce the injustices of capitalist social relations, and if desirable outcomes are to be realized**. Reflecting the book’s emphasis on the social constitution of economy and society, it rejects ‘top-down’ attempts to impose an alternative to capitalism by political means, and argues that anticapitalist action should take a ‘bottom-up’ form, which requires democratic and pluralistic experimentation with different models of social and economic organization to expand the space in which non-capitalist activity takes place.

The arguments of the book therefore fit with a long tradition of anti-capitalist resistance. One of the most well-known instances of this kind of resistance was the insurrections of 1968, typified by the student revolts in Paris in May of that year. However, as Michael Watts (2001: 167) noted, the events of 1968 were far more than a local phenomenon; over seventy countries ‘had major student ­ actions during that year [and between] October 1967 and July 1968 there were over 2000 incidents worldwide of student protest alone’. Furthermore, it was not just students engaged in the act of protest, the act of anti-capitalism. According to Watts’ (ibid.: 167) study, ‘if one were to add the related worker and other nonstudent demonstrations each country in the world would, on average, have had over 20 “incidents” over the nine-month period’. Nor was the substance of the protest uniform; 1968 had what Watts (ibid.: 171– 2) has described as its Eastern, Western and Southern moments. In the first, typified by the Prague Spring and the Cultural Revolution in China, the focus of protests was anti-bureaucratic, and directed against the ‘Old Left’ and the corruption people perceived in it. In the second, typified by student protests in Paris and Berkeley, the focus of protests was opposition to consumerism and the pursuit of civil and social rights. In the third, the focus was the rejection of authority in the first generation of independent states in Africa and Latin America, where military dictatorship had displaced democratic rule.

Luc Boltanski (2002: 6) also highlights the diversity of the 1968 movement by distinguishing between its social and artistic critiques, where the former focused on inequality and poverty stemming from capitalism, and the latter on liberation, individual autonomy and authenticity. Michael Löwy (2002: 95) links this distinction between the social and artistic critique of capitalism to romanticism, which he defines as ‘rebellion against modern capitalist society, in the name of past or premodern social and cultural values, as a protest against the modern disenchantment of the world’. Therefore, the significance of 1968 can be seen not just across space, but also as a reflection of long-established traditions of resistance to prevailing social, political and economic forms or organization. On such readings, the events of 1968 can be interpreted as a demonstration of long-standing anti-capitalist feeling that rested on a critique of the world we live in and the injustices it creates, and in turn motivated action in order to try to address them

#### The role of the judge and ballot is to endorse the better debater – it’s the most objective and anything else is arbitrary and self-serving and is poor scholarship in a competitive space.